

AN ACT

ENTITLED, An Act to provide for the centralization and computerization of certain jury selection processes.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That § 16-13-4.1 be amended to read as follows:

16-13-4.1. For the purposes of this chapter, the jury selection list shall be prepared using electronic means by the state court administrator's office and shall consist of the current voter registration list obtained from the secretary of state, supplemented by the list of persons eighteen years of age and over holding a valid driver's license. The state court administrator's office shall annually merge these lists, and purge duplicate listings, to create an accurate jury selection list for preparing the master juror list in each county. The county auditor may request that the supplemental driver's license list be compiled from a list of those drivers within the county who have renewed, updated, or applied for a driver's license in the last two years. The jury selection list may not be distributed, sold, or duplicated for any other purpose.

Section 2. That § 16-13-5 be repealed.

Section 3. That § 16-13-9 be repealed.

Section 4. That § 16-13-9.1 be amended to read as follows:

16-13-9.1. For the purposes of this chapter, the master juror list shall be that list of names randomly selected by the state court administrator's office from the jury selection list, from which the various grand and petit jury panels shall be drawn.

Section 5. That § 16-13-9.2 be amended to read as follows:

16-13-9.2. Using a random number, not less than one nor more than the total number of jurors to be placed on the master jury list, the state court administrator's office shall select from the jury selection list for each county the name corresponding to that random number in sequence. This

process shall continue until the number of names provided for pursuant to § 16-13-2 is selected.

Section 6. That § 16-13-9.4 be repealed.

Section 7. That § 16-13-9.5 be repealed.

Section 8. That § 16-13-13 be amended to read as follows:

16-13-13. Promptly upon receipt of the master juror list from the state court administrator's office, and in any event before October first in each year, the board of jury selectors shall sign the list and shall file it with the clerk of courts. The list shall be kept on file for four years. The clerk of courts shall then prepare separate tickets for each person named in the master juror list furnished by the board of jury selectors, unless a name is stricken pursuant to § 16-13-15. This process may be performed electronically.

Section 9. That § 16-13-15 be amended to read as follows:

16-13-15. The board of jury selectors shall ascertain whether each of the persons on the master juror list has the qualifications of a juror as provided by § 16-13-10 from the information available to the board from records of the county or other readily available sources, or has served as a juror within two years. A person has served as a juror if that person has been summoned and appeared for a trial. If, from examination of the master juror lists, it appears that any person listed thereon does not have the qualifications to serve as a juror or has served as a juror within two preceding years, the board of jury selectors shall strike such name from the list and draw another in its place. The board shall adjust the number to be drawn to allow for the elimination of the names of those disqualified.

The board of jury selectors shall record with the list of jurors the reasons for disqualification of any person stricken from the master jury list.

Section 10. That § 16-13-31 be amended to read as follows:

16-13-31. No irregularity or omission upon the part of the state court administrator's office, the board of jury selectors, or of any officer, in the performance of any duty imposed by this chapter,

serves to invalidate the panel of grand or petit jurors selected unless it shall be made to appear to the satisfaction of the court for which the panel was drawn that there was such misfeasance or malfeasance as would tend to deprive some litigant or person charged with crime of a substantial right, in which event the court may dismiss any or all members of the panel from the trial of such case or the consideration of such matter or for the term and may make such order respecting the drawing of additional names from the list or a new panel or a special venire as the court may deem proper.

Section 11. That § 16-13-34 be amended to read as follows:

16-13-34. Unless processed electronically, after the panel or panels of jurors have been drawn, the clerk of courts shall mail to each juror, at least sixty days prior to the time the juror is to serve, a notice that such person has been drawn as a juror.

The notice shall state the time and place the juror shall serve and shall have attached thereto an acceptance of service to be signed by each juror. There shall also be enclosed with the notice a stamped envelope addressed to the clerk of courts for the return of the acceptance of service. Each juror shall sign the acceptance of service of the notice, answer any questionnaires enclosed with the acceptance, and mail it to the clerk of courts or respond electronically using the court's juror website within ten days after receipt.

Section 12. That § 16-13-42 be amended to read as follows:

16-13-42. If any person summoned as grand and petit juror does not appear before the court, or if for any cause the panel of grand or petit jurors is not complete, or if no jury is drawn as provided by § 16-13-27, the court shall order the clerk of courts to summon without delay persons having the qualifications of jurors, whose names appear upon the master jury list, and if the jury list is exhausted then the clerk of courts shall request from the state court administrator's office additional names on the master list pursuant to § 16-13-9.2. The trial court shall designate the persons authorized to assist the clerk of courts in contacting those summoned. The clerk and authorized assistants shall make and

file with the court a memorandum of the manner in which attempts to contact additional jurors were made, responses or lack thereof, and the name of each additional juror contacted. Each person so summoned shall forthwith appear before the court, and, if competent, shall serve on the grand or petit jury as the case may be unless excused or lawfully challenged.

An Act to provide for the centralization and computerization of certain jury selection processes.

=====

I certify that the attached Act  
originated in the

HOUSE as Bill No. 1053

\_\_\_\_\_  
Chief Clerk  
=====

\_\_\_\_\_  
Speaker of the House

Attest:

\_\_\_\_\_  
Chief Clerk

\_\_\_\_\_  
President of the Senate

Attest:

\_\_\_\_\_  
Secretary of the Senate

House Bill No. 1053

File No. \_\_\_\_\_

Chapter No. \_\_\_\_\_

=====

Received at this Executive Office  
this \_\_\_\_\_ day of \_\_\_\_\_ ,

20\_\_\_\_ at \_\_\_\_\_ M.

By \_\_\_\_\_  
for the Governor  
=====

The attached Act is hereby  
approved this \_\_\_\_\_ day of  
\_\_\_\_\_, A.D., 20\_\_\_\_

\_\_\_\_\_  
Governor  
=====

STATE OF SOUTH DAKOTA,  
ss.  
Office of the Secretary of State

Filed \_\_\_\_\_, 20\_\_\_\_  
at \_\_\_\_\_ o'clock \_\_ M.

\_\_\_\_\_  
Secretary of State

By \_\_\_\_\_  
Asst. Secretary of State